

Response to First Office Action  
Docket No. 015.0405.US.CONREMARKS

Claim 1 is pending and has been amended. Claims 2-26 are new. No new matter has been entered. Payment for the excess claims is included herewith. Claims 1-26 remain in the application.

5 Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,320,495 to Sporgis. A claim is anticipated under 35 U.S.C. §102(e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §1231. Applicant traverses the rejection. The Sporgis patent fails to teach or suggest 10 each and every claim element and fails to anticipate Claim 1.

Sporgis discloses a treasure hunt game utilizing GPS equipped wireless communications devices. Players are given clues or directions to proceed along one of many predetermined treasure hunt routes based on their location as determined by the GPS (Abstract; Col. 2, Lines 3-20 and 67-Col. 3, Lines 4-18; 15 Col. 5, Lines 11-29). The use of a Web enabled wireless communications device allows the Internet and worldwide Web to be used as the medium to transmit clues to players and receive their positions (Col. 2, Lines 28-31; Col. 3, Lines 37-40; Col. 5, Lines 54-57). A general map of the treasure hunt territory is input into a gamemaster computer and is divided into a plurality of smaller segments or 20 grids, each assigned a unique number (Col. 4, Lines 15-19). The gamemaster computer is designed to run the treasure hunt from a central Website (Col. 3, Lines 4-5, 19-26 and 51-55). The gamemaster computer determines the next clue to be given to a particular player based upon the player's location as well as other variables, such as the number of clues the player has correctly answered and the 25 position of other players; the next clue is transmitted to and displayed on the player's wireless communication device (Col. 2, Lines 12-16; Col. 3, Lines 9-15; Col. 5, Lines 8-25).

Claim 1 has been amended to clarify that the user device is *executing the cartridge comprising identifying a location of the user device based on further geolocation data and locally triggering at least one user-definable event* (emphasis added). Support for the claim amendment can be found in 30

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specification on page 9, line 20-page 10, line 16. Such limitations are neither taught nor suggested by Sporgis, which instead teaches a general map of a treasure hunt territory input into a central gamemaster computer with which the wireless communications devices of the players must communicate to transmit their positions and to receive clues. Sporgis further teaches a central gamemaster program receiving the positions of individual players and transmitting the next clue to be displayed on players' wireless communications devices as they progress along the predetermined route. Clues must be solved to progress along the treasure hunt route, whereas only mere physical presence within a zone of influence is required, per Claim 1.

Claim 1 further recites associating one or more user-definable events with each zone of influence, each user-definable event specifying a trigger condition based on the stored geolocation data for the associated zone of influence. Such limitation is neither taught nor suggested by Sporgis, which instead teaches clues that are transmitted from a central gamemaster computer based upon a player's location and other variables. Sporgis correlates a clue to a position in association with a treasure hunt territory map. Each treasure hunt route is predetermined and is known beforehand to the gamemaster program. The predetermined route is only revealed to individual players as they progress satisfactorily. In contrast, the zones of influence, per Claim 1, are non-linear and provide discrete user-definable events that are triggered when the location substantially correlates to the stored geolocation data for the trigger condition of the user-definable event.

Finally, Sporgis teaches away from executing user-definable events triggered through geolocation data describing zones of influence, per Claim 1. The treasure hunt route disclosed by Sporgis uses linear tracking of individual players' positions along a predetermined route to form a game. The game concludes when a player reaches a final destination; game play can involve the position of other players. The treasure hunt route and clues are input to the central gamemaster computer and are not available to a player until and if the player reaches a particular position relative to the predetermined route. Consequently, the progress of each player must be tracked and non-linear play is

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not possible as progress is contingent upon reaching specific points along the predetermined route in sequence until the player arrives at the treasure location. In contrast, Claim 1 provides non-linear user-specified events that are self-contained, without reference to other players or predetermined routes, or winners 5 of a game. Furthermore, the solving of clues is not required to trigger a user-definable event.

Therefore, the Spörgis reference fails to describe all the claim limitations and does not anticipate Claim 1. Withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

10 Claims 2-26 are new. No new matter has been entered. Support for the claims can be found in the specification as originally filed. More particularly, support for Claims 2, 3, 7, and 8 can be found on page 7, line 15-page 8, line 7 and page 14, lines 4-11. Support for Claims 4 and 9 can be found on page 13, lines 10-13. Support for Claims 5 and 10 can be found on page 13, lines 14-23.  
15 Support for Claim 6 can be found on page 9, line 17-page 10, line 21. Support for Claims 12 and 19 can be found on page 16, line 18-page 17, line 7. Support for Claims 13 and 20 can be found on page 9, lines 17-29. Support for Claims 14 and 21 can be found on page 14, lines 14-23. Support for Claims 15 and 22 can be found on page 14, line 24-29. Support for Claims 16 and 23 can be found on page 20 8, line 15-page 9, line 7 and page 15, lines 4-11. Support for Claims 17, 18, 24, and 25 can be found on page 11, lines 7-13 and page 23, lines 5-15.

The prior art made of record and not relied upon has been reviewed by the applicant and is considered to be no more pertinent than the prior art references already applied.

25 Claims 1-26 are believed to be in a condition for allowance. Entry of the claim amendments with further examination are requested and a Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

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Respectfully submitted,

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